



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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S. HOME

July 7, 2004

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Northeast Lantern Ltd.
6 Commerce Way
Exeter, New Hampshire 03833

Mr. Gordon E. Heal, President

Northeast Lantern Ltd.
Exeter, New Hampshire
EPA ID # NHD510156805

Dear Mr. Heal

On May 4, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Northeast Lantern Ltd. ("NEL"). The purpose of the inspection was to determine NEL's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 Env-Wm 353.04(g) – Limited Permit Requirements

At the time of the inspection, the following deficiencies were noted in NEL's Limited Permit (DES-HW-LP-00-01) Inspection Schedule and Log: 1) the Schedule did not identify the types of problems, such as malfunctions or deterioration, which are to be looked at during an inspection; and 2) the date and nature of any repairs or other remedial actions taken as a result of inspection observations, were not documented.

Env-Wm 353.04(g) requires operators of elementary neutralization/wastewater treatment units to conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The inspections should identify: 1) the types of problems, such as malfunctions or deterioration, which are to be looked at during an inspection; and 2) the date and nature of any repairs or other remedial actions taken as a result of inspection observations.

DES requested that NEL update the Limited Permit Inspection Schedule and Log to include 1) the types of problems, such as malfunctions or deterioration, which are to be looked at during an inspection; and 2) the date and nature of any repairs or other remedial actions taken as a result of inspection observations.

In a May 20, 2004 submittal, Mr. Gordon Heal, President, provided documentation substantiating that NEL's Limited Permit Inspection Schedule and Log had been revised, and that inspections are routinely conducted. No further action is required.

2. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at NEL. DES inspectors also confirmed that NEL disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that NEL test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. NEL was also advised that a waste determination could be accomplished using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, NEL may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and the DES "Fluorescent Lamp and Ballast Recycling Facility" list provided during the inspection will aid you with the determination. Also be apprised that in accordance with Env-Wm 1103.03, employees responsible for universal waste management must be informed of proper waste handling and emergency procedures appropriate to the management of universal waste lamps.

NEL will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

The May 11, 2004 NEL submittal provided documentation substantiating that the facility is managing waste lamps as universal waste and will be contacting a universal waste recycler for proper disposal. No further action is required.

3 Env-Wm 507.01(a)(3) and Env-Wm 509.03(d) – Storage Requirements

At the time of the inspection, one (1) 55-gallon satellite accumulation container of hazardous waste “Evaporator Sludge” located in the Evaporator Room was not closed

Env-Wm 507.01(a)(3), which is referenced by Env-Wm 509.03(d), requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested that NEL ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

At the time of the inspection, the satellite container of hazardous waste “Evaporator Sludge” was closed by NEL personnel. No further action is required.

4. Env-Wm 509.02(a)(2) – Personnel Training

A review of NEL’s personnel training program revealed the following deficiencies:

Primary Emergency Coordinator Gordon Heal had not taken part in annual hazardous waste training reviews for the years 2003 and 2004.

NEL’s facility training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial hazardous waste training and annual reviews are conducted for personnel handling hazardous waste. Env-Wm 509.02(a)(2) also requires full quantity generators to maintain at the facility, specific documents and records related to personnel training.

DES requested that NEL conduct and document hazardous waste annual updates for Emergency Coordinators. DES also requested that NEL maintain, as part of the facility training program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position and correct any deficiencies as identified in the enclosed Full Quantity Generator Module. Lastly, DES requested that NEL submit a copy of this personnel training program to DES.

In the May 11 & 20, 2004 submittals, Mr. Gordon Heal, President, provided a written personnel training program which included a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position. The submittal also confirmed that all Emergency Coordinators had received hazardous waste training for the year 2004. No further action is required.

5. Env-Wm 509.02(a)(5) – Contingency Plan

At the time of the inspection NEL's contingency plan was confirmed to be incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that NEL revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

At the time of the inspection, NEL personnel updated the facility contingency plan to include all of the required content. No further action is required.

6. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, DES confirmed that the emergency posting at the nearest telephone to the hazardous waste storage area was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers and information at the nearest telephone to the HWSA:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that NEL post the required information at the nearest telephone to the HWSA.

At the time of the inspection, NEL personnel updated the facility's Emergency Posting to include all of the required content. No further action is required.

7. Env-Wm 509.03(b) – Satellite Storage Training

A review of NEL's personnel training program revealed that Chris Daley, whom is responsible for the management of hazardous waste satellite containers, had not received hazardous waste training.

Env-Wm 509.03(b), which references Env-Wm 509.02(a)(2) and 40 CFR 265.16, Personnel Training, requires full quantity generators to ensure that employees responsible for the management of hazardous waste satellite containers receive hazardous waste training. The hazardous waste training interval shall be every 3-years after the date of initial training.

DES requested that NEL conduct and document hazardous waste training and 3-year reviews for all employees responsible for the management of hazardous waste satellite containers.

In a May 11, 2004 submittal, Mr. Gordon Heal, President, provided documentation substantiating that employees responsible for managing hazardous waste satellite containers had received hazardous waste training. No further action is required.

8. Env-Wm 509.03(g) – Satellite Storage Container Marking

At the time of the inspection, one (1) 55-gallon satellite accumulation container of hazardous waste "Evaporator Sludge" located in the Evaporator Room was not marked with the words "hazardous waste" and words that identify the contents of the container.

Env-Wm 509.03(g) requires all satellite storage containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste" and words that identify the contents of the container.

DES requested that NEL properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with: the words "hazardous waste" and words that identify the contents of the container.

At the time of the inspection, the satellite container of hazardous waste "Evaporator Sludge" was marked with the words "hazardous waste" and words that identify the contents of the container by NEL personnel. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by NEL to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or Tod G. Leedberg, RCRA Compliance Supervisor at 271-2942. Specific questions regarding water related issues may be directed to Mary Jane Meier of DES's Water Division at 271-5553, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A large, bold, handwritten word "COPY" is written across the signature line. A handwritten signature, which appears to be "John J. Duclos", is written over the "COPY" text.

John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel Esq., Administrator, DES Legal Unit

E-mail: JJD/SD/MM/PM

Enclosure: Inspection Modules